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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,252	03/19/2001	Gary B. Gordon	10010189-1	7805

22878 7590 08/09/2005

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EXAMINER

ABDULSELAM, ABBAS I

ART UNIT	PAPER NUMBER
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2677

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/812,252

Applicant(s)

GORDON ET AL.

Examiner

Abbas I. Abdulsalam

Art Unit

2677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03/11/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/14/03, 6/29/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to a communication filed on 03/11/05. Claims 1-35 are pending.

#### ***Terminal Disclaimer***

2. The terminal disclaimer filed on 03/11/05 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of the full statutory term has been reviewed and is accepted. The terminal disclaimer has been recorded.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Gordon et al. (USPN 6057540).

The applied reference has a common inventor, Gary B. Gordon with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a

Art Unit: 2677

showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding claims 1 and 19, Gordon teaches an apparatus for controlling the position of a screen pointer for an electronic device having a display screen, the apparatus comprising: a plurality of sensing elements against which a portion of the tip of a human digit may be placed; (col. 3, lines 50-58, col. 4, lines 36-50 and Fig. 1 (6, 7, 9) and a controller coupled to each of the sensing elements for sensing an electrical property at each of the sensing elements, (col. 4, lines 52-66) the controller configured to generate values representing the portion of the tip of the digit placed against the sensing elements based on the sensed electrical property at each of the sensing elements, the controller configured to generate movement data based on the values, the movement data indicative of motion of the tip of the digit across the sensing elements.(col. 5, line 5-47).

Regarding claim 2, Gordon teaches the values are digital values (col. 5, lines 1-3).

Regarding claim 3, Gordon teaches the electrical property is impedance (col. 4, lines 45-

Regarding claims 4 and 20, Gordon teaches the electrical property is capacitance (col. 4, lines 45-46).

Regarding claims 5-12 and 21-27, Gordon teaches sensing element includes a conductive layer (col. 4, 36-62 and col. 6, lines 19-20).

Regarding claim 13, Gordon teaches the controller further comprises an automatic gain controller coupled to the alternating current signal source for controlling the magnitude of the alternating current signal (col. 4, lines 63-67).

Regarding claim 14, Gordon teaches the controller further comprises an electronic shutter coupled to the plurality of sensing elements for controlling a charge accumulation time of the sensing elements (col. 4, lines 63-67).

Regarding claims 15-18 and 28-35, Gordon teaches the plurality of sensing elements are organized into a square array with a plurality of rows of sensing elements and a plurality of columns of sensing elements (col. 4, lines 37-45).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abbas I. Abdulsalam whose telephone number is (571) 272-7685. The examiner can normally be reached on Monday through Friday from 9:0A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/812,252

Page 5

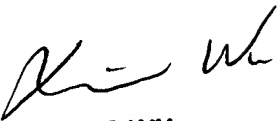
Art Unit: 2677

Abbas Abdulsalam

Examiner

Art Unit 2677

07/28/05

  
**XIAO WU**  
**PRIMARY EXAMINER**